IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8736 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Ord : NO

JJJJ

2. Rule. Ld.APP Mr.B.Y.Mankad appears and waives service of rule for the respondents.

3. I have considered the facts and circumstances narrated by the petitioner in the petition. Learned counsel for the petitioner submits that the petitioner does not want to compound the cases which are pending against the petitioner. The learned APP for the respondents submits that if the petitioner is not willing to compound any case pending against him, the respondents will be constrained to initiate appropriate proceedings as per the provisions of the Motor Vehicles Act.

4. It is, therefore, directed that the concerned Regional Transport Officer shall process and decide the application/s in accordance with law, without compelling the petitioner to first compound any offence punishable under the Motor Vehicles Act. It is, however, clarified that this order does not take away the right of the authority to initiate action under sections 53 and 86 of the said Act, if it is otherwise permissible in law, subject to the right of the affected person to challenge it.

5. Rule is made absolute accordingly. There shall be no order as to costs. Direct Service is permitted.

12.10.2000 (M.S. Shah, J.)